

BRYAN SCHRODER
Acting United States Attorney

SARA T. GRAY
Assistant U.S. Attorney
222 West Seventh Avenue, #253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-2344
E-mail: sara.gray@usdoj.gov

Attorney for the Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JULIE CARTER and SHARON)	
CARTER, as Co-Guardians for)	
TIMOTHY CARTER,)	Case No. 3:17-cv-
)	
Plaintiff,)	
)	UNITED STATES' NOTICE OF
vs.)	REMOVAL FROM STATE COURT
)	
PATRICK MARTINEZ, M.D.;)	
CAROL HUMPHREY, M.D.;)	
ESTHER LEE, M.D.; and BRIAN)	
TRIMBLE, M.D.,)	
)	
Defendants.)	
)	

The United States, through counsel, notifies this Court of the removal of this action from state court. The notice is based on the following:

1. Plaintiffs Julie Carter and Sharon Carter, as Co-Guardians filed a Complaint in the Superior Court for the State of Alaska, Third Judicial District at Anchorage, alleging tort claims against Patrick Martinez, M.D., Carol Humphry,

M.D., Esther Lee, M.D., and Brian Trimble, M.D. (All Defendants) in Case No. 3AN-17-09282 CI (“the State Action”). A copy of the Complaint is attached with this Notice of Removal.

2. The Acting U.S. Attorney for the District of Alaska, Bryan Schroder, has certified that with respect to the allegations of the Complaint, all defendants are deemed to be employees of the federal government for purposes of the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80. Further, Acting U.S. Attorney Schroder found that, with respect to the allegations in Plaintiff’s Complaint, all Defendants listed above were acting within the scope of their federal employment for purposes of certification and removal under the FTCA, 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233(c). Thus, Plaintiffs’ Complaint against all defendants is deemed to be an action against the United States under the FTCA. 28 U.S.C. § 2679(d)(1). The U.S. Attorney’s Certification is filed concurrently with this Notice of Removal.

3. The remedy provided by the FTCA for tort claims against the United States is the exclusive remedy, and this Notice of Removal is brought pursuant to 28 U.S.C. §§ 2679(b)(1), 2679(d)(2) 42 U.S.C. § 233(c).

4. A Notice of Filing Removal of a Civil Action, together with a copy of this Notice of Removal, is being filed in the Superior Court for the State of Alaska, where the State Action is pending.

DATED this 13th day of October 2017, at Anchorage, Alaska.

BRYAN SCHRODER
Acting United States Attorney

s/ Sara Gray
SARA GRAY
Assistant U. S. Attorney
Attorney for the United States

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2017,
a copy of the foregoing **UNITED STATES'**
NOTICE OF REMOVAL FROM STATE COURT
was served via U.S. Mail on:

Meg Simonian
Law Offices of Dillon & Findley
1049 W. 5th Ave., Suite 200
Anchorage, AK 99501

s/ Sara Gray